

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, tentatively rejected all claims 1-5. For at least the reasons set forth herein, Applicant respectfully requests reconsideration and withdrawal of the rejections.

Objections

The Office Action objected to the specification (the abstract and p. 4, line 14). Applicant had amended these locations to address and overcome the objections. The Office Action also objected to claim 1 for a noted informality. Applicant has amended claim 1 to address and correct this noted informality.

Claim Rejections

The Office Action rejected independent claim 1 under 35 U.S.C. § 102(e) as allegedly anticipated by Matsuoka (US 2002/0158099). The Office Action also rejected claim 1 under 35 U.S.C. § 102(b) as allegedly unpatentable over Sato (US 5,060,548). Applicant respectfully requests reconsideration and withdrawal of this rejection for at least the reasons that follow.

Independent claim 1, as amended, recites:

1. An apparatus for splitting a test piece comprising a base with a centerline, **two pillars disposed on the base separated by a fixed first interval to support the test piece**, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline, and a **sliding piece disposed on the base slideable along the centerline toward the two pillars, wherein the sliding piece has two fingers parallel to the centerline separated by a second interval, which is smaller**

than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline.

(Emphasis added). Claim 1 patently defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above.

In the rejection of claim 1, the office action asserts that Matsuoka et al. shows apparatus for splitting a test piece comprising a base (31), two pillars (20 and 20) and a sliding piece (clamping plate 49) having two fingers (adjusting bolts 46). The Office Action also asserts that Sato's patent shows all of the limitations of the claimed invention. Applicant respectfully disagrees.

Matsuoka discloses a pressurizing mechanism 20 including an angle pressurizing cap 51 and a pressurizing bolt 53. As recited in paragraph [0028], the pressuring cap 51 is advanced in the concave portion 32a by way of the rod 52, and the tip of the cap 51 is pressed to be in contact with the outside of the large end portion 4. It is therefore understood that, the interval between the two pressurizing mechanisms 20 is variable, rather than fixed.

In claim 1, however, the interval between the pillars is defined as being separated by a fixed distance. Thus, the pressurizing mechanisms 20 of Matsuoka do not serve as the two pillars of this application. Moreover, the claiming plate 49 of Matsuoka is not slidable, while claim 1 specifically defines the sliding plate as being slid able along a centerline. Moreover, the claiming plane 49 and an adjusting bolt 46 are different elements and separated from each other, while the sliding piece of claim 1 has the two fingers. Thus, Matsuoka fails to teach or suggest at least the features of **“two pillars disposed on the base separated by a fixed first interval...”**, **“a sliding piece**

disposed on the base slidable along...”, and “ the sliding piece has two fingers...”.

For at least this reason, claim 1 is not anticipated by Matsuoka.

Referring to Sato's patent, Sato discloses a saw blade 17 fixed on the base 1 via a support 10 (see Fig.5). In claim 1, however, the sliding piece 22 is directly disposed on the base 1. Furthermore, the saw blade 17 and a guard 37 of Sato's patent are different elements and separated from each other. However, the sliding plate of claim 1 has two fingers. Taking the guard 37 of Sato's patent to be the two fingers of claim 1 of this application is simply not reasonable and is therefore misplaced. Like Matsuoka, Sato also fails to teach or suggest all the limitations of the claim 1 of this application.

For at least the foregoing reasons, both Matsuoka and Sato fail to teach or suggest an apparatus for splitting a test piece, including all the features recited in claim 1. As claims 2-4 depend from claim 1, these claims patently define over the cited art for at least the same reasons.

With regard to claim 5, the Office Action rejected this claim as allegedly anticipated by Matsuoka on the same basis as claim 1. Like claim 1, claim 5 defines that the sliding piece is slidable. For at least this reason, claim 5 (like claim 1) defines over Matsuoka.

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited.

If the Examiner believes a teleconference will expedite the examination of this application, the Examiner is invited to contact the undersigned attorney at 770-933-9500.

No fee is believed to be due in connection with this submission. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to deposit account 20-0778.

Respectfully submitted,

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